



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JULIO CESAR IRINEO MARTINEZ and JOSE LUIS  
AURELIO PINZON (A.K.A. AXEL RODRIGUEZ),  
*individually and on behalf of others similarly  
situated,*

Plaintiffs,

-against-

BISTRO 1285 INC. (d/b/a BISTRO CATERERS),  
1285 BAKERY INC. (d/b/a PULSE  
RESTAURANT), BISTRO 369 FOOD CORP.  
(d/b/a BISTRO CATERERS), NICHOLAS  
CASTIGLIANO, GEORGE JAMISON, and LEON  
MOORE,

Defendants.

17-CV-00748 (KHP)

**ORDER OF DISMISSAL**

**KATHARINE H. PARKER, United States Magistrate Judge:**

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before this Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). At a settlement conference held on December 21, 2017, the parties detailed why they believe the proposed settlement agreement is fair, reasonable, and adequate. This Court has considered the parties' statements in order to determine whether the proposed agreement represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made at the December 21, 2017

settlement conference, the terms of the proposed settlement agreement, and this Court's own familiarity with the strengths and weaknesses of the parties' positions (as became evident during the arms-length settlement mediation conducted by this Court), it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiffs' claims in this action and to compensate Plaintiffs' counsel for their legal fees, and the agreement is therefore approved.

2. In accordance with the parties' request, this Court will retain jurisdiction over this matter for the purpose of enforcing the settlement agreement, if necessary.

3. As a result of the Court's approval of the parties' proposed settlement, this action is hereby discontinued with prejudice and without costs, provided, however, that, within 60 days of the date of this Order, if any aspect of written documentation of the settlement is not completed, then Plaintiffs may apply by letter for the restoration of the action to the active calendar of the Court.

4. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York  
January 8, 2018

SO ORDERED



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KATHARINE H. PARKER  
United States Magistrate Judge

Copies to:

All counsel (via ECF)